

Kelly E. Kleist  
State Bar Number 24046229  
kelly.kleist@solidcounsel.com  
**Scheef & Stone, LLP**  
**2600 Network Blvd., Suite 400**  
**Frisco, Texas 75034**  
**Phone: 214-472-2100**  
**Fax: 214-472-2150**

*Counsel to Blue Cross Blue Shield of Texas,  
a Division of Health Care Service Corporation,  
a Mutual Legal Reserve Company*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**In re:**

**REVOLUTION MONITORING, LLC  
*et al.,***

**Debtor.**

**Chapter 11**

**Case No. 18-33730-hdh**

**OBJECTION OF BLUE CROSS BLUE SHIELD OF TEXAS, A DIVISION OF HEALTH  
CARE SERVICE CORPORATION, A MUTUAL LEGAL RESERVE COMPANY TO  
AMENDED SECOND MOTION OF LIQUIDATING TRUSTEE  
FOR RULE 2004 EXAMINATION**

Blue Cross Blue Shield of Texas, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company (“BCBSTX”), by undersigned counsel, submits this Objection (the “Objection”) to the *Second Amended Motion of Liquidating Trustee for Rule 2004 Examination* (the “Second Motion”)[Dkt #236]. In support of its Objection, BCBSTX respectfully states as follows:

## **I. BACKGROUND**

1. The Liquidating Trustee (“*Trustee*”) filed a Motion of Liquidating Trustee for Rule 2004 Examination (“*First Rule 2004 Motion*”) on September 6, 2019 [Dkt No. 147].

2. On September 26, 2019, Blue Cross Blue Shield of Texas, a Division of Health Care Services Corporation, a Mutual Legal Reserve (“BCBSTX”) filed an Objection to the First Rule 2004 Motion [Dkt No. 155]. BCBSTX incorporates those objections herein.

3. At the hearing on the First Rule 2004 Motion, BCBSTX and the Liquidating Trustee agreed to the production of a spreadsheet containing patient name, dates, amounts billed, amounts paid, denial codes, explanations for denial codes, services billed and the production of the top 5 plans. BCBSTX reserved its objections to the First 2004 Motion (collectively “Stipulation”). The Stipulation was placed on the record.

4. In accordance with the Stipulation, BCBSTX produced the spreadsheet containing the requested information and more, and the top 5 plans to the Liquidating Trustee. In addition to the top 5 plans, BCBSTX provided the fully insured plans, even though that was outside the agreement.

5. On July 8, 2020, the Liquidating Trustee notified BCBSTX that there appeared to be plans missing. A true and correct copy of the correspondence is attached hereto as Exhibit A. BCBSTX investigated the issue. On July 20, 2020, BCBSTX produced half of the missing plans. A true and correct copy of the correspondence is attached hereto as Exhibit B. The remaining half of the plans were locked and passwords had to be obtained to access the information in the plans. A true and correct copy of the correspondence is attached hereto as Exhibit C. In the midst of this production, the Liquidating Trustee filed the Second Amended Motion for 2004 Examination [Dkt No. 236], despite BCBSTX going above and beyond the

agreement between the parties.

6. On July 23, 2020, BCBSTX produced the other half of the outstanding self-funded plans. A true and correct copy of the correspondence is attached hereto as Exhibit D. This production was above and beyond the Stipulation. On June 30, the Liquidating Trustee notified BCBSTX of a list of patients it was unable to match to a plan. In a good faith effort, BCBSTX researched the patients and created a chart to assist the Liquidating Trustee. That chart was provided on August 11, 2020. A true and correct copy of the correspondence is attached hereto as Exhibit E.

7. BCBSTX will also be providing any plans that are identified on that chart that were not previously produced. The Liquidating Trustee's Second Amended Motion is disingenuous and misrepresents the actions taken by BCBSTX. BCBSTX has gone above and beyond its Stipulation with the Liquidating Trustee. At all times, BCBSTX has produced documents as expeditiously as possible given the fact that all employees are remote and the company continues to operate in the middle of a pandemic. Moreover, several departments within BCBSTX have to work together to provide the requested information.

## **I. OBJECTIONS**

8. No good cause exists for the Second Motion to BCBSTX because BCBSTX has worked extensively with the Liquidating Trustee to identify claims it had information related to. When the Trustee has provided information regarding which documents it alleges are missing, BCBSTX investigated those claims and provided what information it has in its possession. Further, the Liquidating Trustee has not established standing to pursue claims for accounts receivable against BCBSTX.

### **A. No Good Cause Exists for the Second Motion as to BCBSTX**

9. The party seeking to conduct a rule 2004 examination has the burden of showing good cause for the examination exists. *In re Express One Int'l, Inc.*, 217 B.R. 215, 217 (Bankr. E.D. Tex. 1998) (citing *In re Eagle-Picher Industries, Inc.*, 169 B.R. 130, 134 (Bankr. S.D. Ohio 1994)). Good cause, generally, means that the information sought is necessary or the denial of the requested information would cause undue hardship. *Id.* (citing *In re Dinubilo*, 177 B.R. 932, 940 (E.D.Cal.1993)). Further, a motion for a rule 2004 examination may be denied where the information sought is either known to the moving party or within the moving party's possession. *In re Symington*, 209 B.R. 678, 687 (Bankr. D. Md. 1997).

10. The Trustee seeks information from BCBSTX in order to, presumably, ascertain its ability to collect accounts receivable it alleges may be owed by BCBSTX. *See* Order Confirming Plan [Dkt. No. 139] (Debtors' Amended Joint Plan of Reorganization dated July 11, 2019, Art. 6).<sup>1</sup> To put the Trustee's rule 2004 motions in context, according to Debtors' Joint Disclosure Statement dated March 6, 2019 [Dkt. No. 75], at least three other parties have been unsuccessful in collecting medical receivables that the debtor alleges are due from insurance companies. [Dkt. No. 75 at 6-9].

11. BCBSTX has worked diligently and extensively to produce documents to the Liquidating Trustee. BCBSTX is a large insurance company and multiple divisions have been involved in this production. That said, BCBSTX has believes it has produced all plans in its possession relating to the claims identified by the Liquidating Trustee. Thus, Liquidating Trustee cannot establish any cause for BCBSTX to produce additional information.

12. The Liquidating Trustee requested a huge volume of information in its First Rule 2004 Motion and, even narrowed per the Stipulation, the scope of the information requested by the Liquidating Trustee remains large. At the time of the filing of this Motion over 22,000 pages

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<sup>1</sup> See section B, below, for further discussion of the Trustee's standing to pursue such claims against BCBSTX.

of documents have been produced by BCBSTX. It was time intensive to identify, gather, and produce those documents. To date, BCBSTX has incurred costs and fees in internal and external costs in order produce documents in accordance with the Stipulation and help the Liquidating Trustee interpret the documents. These are costs that BCBSTX could have attempted to recover—at least in part—from the Liquidating Trustee under Federal Rule of Bankruptcy Procedure 9016 but has not.

13. Further, Federal Rule of Bankruptcy Procedure 9016(e) only requires BCBSTX to produce electronically stored information as it is kept in the ordinary course of business. BCBSTX has not only met that burden, it has provided additional documentation and time in order to help the Liquidating Trustee sort through the extensive documentation that the Liquidating Trustee requested. Further, the Liquidating Trustee requests production of unidentified documents within 15 days of the date of an order. That request is unreasonable. The majority of BCBSTX employees are operating remotely and have limitations. BCBSTX cannot produce the unidentified documents within 15 days of an order. Several departments must work together to gather documents and information, to then provide such information. The Liquidating Trustee's deadline is without basis and should be reformed, if not denied.

**B. Trustee Has Not Shown Standing to Pursue Claims for Accounts Receivable Against BCBSTX.**

14. The Second Rule 2004 Motion should additionally be denied because the Liquidating Trustee has not established standing to pursue claims for accounts receivable against BCBSTX.

15. “[A]fter confirmation of a plan, the ability of the debtor’ or its representative ‘to enforce a claim once held by the estate is limited to that which has been retained in the plan.’” *Adler v. Frost (In re Gulf States Long Term Acute Care of Covington, L.L.C.)*, 614 F. App’x 714,

717 (5th Cir. 2015) (citing *Dynasty Oil & Gas, LLC v. Citizens Bank (In re United Operating, LLC)*, 540 F.3d 351 (5th Cir. 2008)). “For a debtor to preserve a claim, the plan must expressly retain the right to pursue such actions. The reservation must be specific and unequivocal. A blanket reservation of ‘any and all claims’ is insufficient to preserve the debtor’s standing to sue.” *Id.* (internal quotation marks and citations omitted).

16. Instead of specifically retaining claims against BCBSTX for accounts receivable, the Plan only generally reserves claims for “Accounts Receivable” and “Retained Causes of Action.” [Dkt. Nos. 139, 146].

17. Further, for the Liquidating Trustee to pursue claims for receivables for medical services rendered by Debtors, the Liquidating Trustee would have to show a valid assignment of benefits from the insured under the respective health plan. *See LeTourneau Lifelike Orthotics & Prosthetics, Inc. v. Wal-Mart Stores, Inc.*, 298 F.3d 348, 351 (5th Cir. 2002) (holding that provider has no direct claim against health plan and, “absent a valid assignment of benefits from [the insured], [the provider] would have no derivative standing to sue the Plan under ERISA Section 502”). There has been a production of the AOBs, but assignments remain missing.

18. Thus, the Trustee has not shown standing to pursue claims against BCBSTX for accounts receivable.

## **II. CONCLUSION**

19. When parties are cooperating and producing documents as requested by the Liquidating Trustee, it is disheartening to have the Second Motion filed. BCBSTX has done nothing but cooperate and assist the Liquidating Trustee. The Second Motion is not an accurate representation of the production of documents by BCBSTX. Further, the Liquidating Trustee has

failed to identify what documents, if any lack from the production. Without specification, BCBSTX cannot accurately respond.

WHEREFORE, PREMISES CONSIDERED, based on the foregoing, BCBSTX respectfully request that the Court deny the Motion of the Liquidating Trustee for Second Amended Motion for Rule 2004 Examination of Blue Cross Blue Shield of Texas and grant BCBSTX such other and further relief as the Court deems just and proper.

DATED: August 12, 2020.

Respectfully submitted,

By: /s/ Kelly E. Kleist  
Kelly E. Kleist  
State Bar No. 24046229  
Email: kelly.kleist@solidcounsel.com

Scheef & Stone, LLP  
2600 Network Blvd., Suite 400  
Frisco, Texas 75034

ATTORNEY FOR BLUE CROSS BLUE  
SHIELD OF TEXAS, A DIVISION OF  
HEALTH CARE SERVICE CORPORATION,  
A MUTUAL LEGALRESERVE COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Objection was served on all counsel of record herein via the Court's electronic notification system on this 12<sup>th</sup> day of August, 2020.

/s/ Kelly E. Kleist  
Kelly E. Kleist

## Kelly Kleist

---

**From:** Steve T. Holmes <sholmes@chfirm.com>  
**Sent:** Wednesday, July 08, 2020 11:34 AM  
**To:** Kelly Kleist  
**Subject:** RE: bcbs  
**Attachments:** Copy of Remaining Patients without Plan or Policy\_BCBSTX\_070620 (STH).xlsx

Kelly –

As we discussed this morning, the attached spreadsheet lists the BCBS-Tx patient claims for which the Trustee does not have an associated policy document.

Thank you,  
Steve

**Steven T. Holmes**  
Shareholder  
CAVAZOS HENDRICKS POIROT, P.C.  
900 Jackson St., Suite 570, Founders Square  
Dallas, TX 75202  
Phone: 214-573-7305  
Fax: 214-573-7399  
[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

---

**From:** Kelly Kleist <Kelly.Kleist@solidcounsel.com>  
**Sent:** Wednesday, July 8, 2020 11:02 AM  
**To:** Steve T. Holmes <sholmes@chfirm.com>  
**Subject:** bcbs

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



**SCHEEF & STONE**  
SOLID COUNSEL

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## Kelly Kleist

---

**From:** Kelly Kleist  
**Sent:** Monday, July 20, 2020 11:40 AM  
**To:** Steve T. Holmes  
**Subject:** RE: bcbs

Good afternoon,

Do you have a portal where you would like the plans uploaded? This is a partial production (24 plans). I have the remaining plans, but not the passwords to open them. Without the passwords, I can't open the documents. We are working on that issue.

Thanks,

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



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SOLID COUNSEL

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**From:** Steve T. Holmes <sholmes@chfirm.com>  
**Sent:** Thursday, July 16, 2020 2:46 PM  
**To:** Kelly Kleist <Kelly.Kleist@solidcounsel.com>  
**Subject:** RE: bcbs

Thanks, Kelly –

Any idea how many plans? I don't want to presume anything either way.

Steve

**Steven T. Holmes**

Shareholder

CAVAZOS HENDRICKS POIROT, P.C.

900 Jackson St., Suite 570, Founders Square

Dallas, TX 75202

Phone: 214-573-7305

Fax: 214-573-7399

[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

---

**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Sent:** Thursday, July 16, 2020 2:44 PM  
**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Subject:** RE: bcbs

Update:

I will have plans for production by next week.

Thanks,

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



**SCHEEF & STONE**  
SOLID COUNSEL

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**From:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Sent:** Wednesday, July 15, 2020 2:42 PM  
**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Subject:** RE: bcbs

Kelly –

Could BCBS-TX commit to production of some of the plan documents sooner, producing the remainder on a rolling basis? Perhaps ½ within 30 days?

Steve

**Steven T. Holmes**

Shareholder

CAVAZOS HENDRICKS POIROT, P.C.

900 Jackson St., Suite 570, Founders Square

Dallas, TX 75202

Phone: 214-573-7305

Fax: 214-573-7399

[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

---

**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Sent:** Monday, July 13, 2020 4:20 PM  
**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Subject:** RE: bcbs

Please send over a draft of the stipulation and we can go from there. I believe 60 days would put us into September.

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



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SOLID COUNSEL

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**From:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Sent:** Monday, July 13, 2020 3:15 PM  
**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Subject:** RE: bcbs

Thank you, Kelly. We will need to pin down a specific date to include in a Stipulation.

**Steven T. Holmes**

Shareholder

CAVAZOS HENDRICKS POIROT, P.C.

900 Jackson St., Suite 570, Founders Square

Dallas, TX 75202

Phone: 214-573-7305

Fax: 214-573-7399

[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

---

**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Sent:** Monday, July 13, 2020 9:06 AM  
**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Subject:** RE: bcbs

Hi Steve,

BCBS will produce the remaining plans. They are forecasting 60 days, but hope to have the plans sooner. I will forward the remaining plans, as I receive them.

Thanks,  
Kelly

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



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SOLID COUNSEL

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**From:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>

**Sent:** Friday, July 10, 2020 12:15 PM

**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>

**Subject:** RE: bcbs

Hi, Kelly –

Do you have any update from BCBS-Tx on those remaining plans?

Thanks,  
Steve

**Steven T. Holmes**

Shareholder

CAVAZOS HENDRICKS POIROT, P.C.

900 Jackson St., Suite 570, Founders Square

Dallas, TX 75202

Phone: 214-573-7305

Fax: 214-573-7399

[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

---

**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>

**Sent:** Wednesday, July 8, 2020 1:33 PM

**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>

**Subject:** RE: bcbs

We will look for the self-funded plans that have not been provided.

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



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SOLID COUNSEL

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---

**From:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>

**Sent:** Wednesday, July 08, 2020 11:34 AM

**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>

**Subject:** RE: bcbs

Kelly –

As we discussed this morning, the attached spreadsheet lists the BCBS-Tx patient claims for which the Trustee does not have an associated policy document.

Thank you,  
Steve

**Steven T. Holmes**

Shareholder

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900 Jackson St., Suite 570, Founders Square

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Phone: 214-573-7305

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[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

---

**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>

**Sent:** Wednesday, July 8, 2020 11:02 AM

**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>

**Subject:** bcbs

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

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## Kelly Kleist

---

**From:** Kelly Kleist  
**Sent:** Tuesday, July 21, 2020 4:55 PM  
**To:** Steve T. Holmes  
**Subject:** RE: Revolution Monitoring - [Second] 2004 Motion

Steve,

I have possession of the remain plans, but I don't have the passwords. Production of locked documents won't do you much good. I am working on getting the passwords. My contact was out on PTO yesterday. The original agreement between the parties was for the top 5 plans. Those documents were produced, in addition to other plans. With the initial production, BCBSTX went beyond the agreed to documents. Last week, when you called regarding additional documents, those documents were produced within a week, with the exception of the password documents. I am working on obtaining those passwords. Please remember that BCBSTX is working remotely and is a large company. They cannot produce documents within a day. BCBSTX has complied with its obligations and has gone beyond the parties' agreement. BCBSTX will produce the remaining plans in an unlocked manner. The exact date cannot be determined because it has only been a few days and people have been off for PTO. The middle of the summer during a pandemic does not result in instantaneous responses. It is frustrating when BCBSTX has abided by the agreement, but yet has another motion filed against it.

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

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**From:** Steve T. Holmes <sholmes@chfirm.com>  
**Sent:** Tuesday, July 21, 2020 4:27 PM  
**To:** Kelly Kleist <Kelly.Kleist@solidcounsel.com>  
**Subject:** Revolution Monitoring - [Second] 2004 Motion

Hi, Kelly –

I tried to call you within the last 30 min, but I'm not certain I got the correct voice mail. We sincerely appreciate your production of an additional 24 plans yesterday, and your efforts to produce the remaining BCBS-Tx plans ASAP.



Picking up on our recent conversation, the Liquidating Trustee does want to go ahead and get a new 2004 Motion on file (this evening) for several entities, including BCBS-TX, in order to provide a backstop for production in the event we are not able to resolve all open matters, specifically regarding production of any remaining plan documents. The scope of production is unchanged from the first 2004 Motion, but again, at this stage, we are simply doing what we can to ensure that the Trustee has all applicable policies, or has a firm understanding of whether and where any missing policies reside, if not with BCBS-TX.

Consistent with our prior discussions, I have noted in the attached draft that BCBS-TX has made good-faith efforts to comply fully with a negotiated production schedule, and that the parties are continuing efforts to resolve any open issues. I trust that will continue to be the case in the coming days, but for purposes of the attached, I've noted that the Trustee does not yet have final agreement with BCBS-TX as to the relief requested – it is primarily just an issue of timing with BCBS-TX. If we are able to reach agreement on production, we will memorialize that in a Stipulation to be filed with the Court in advance of any hearing.

Feel free to contact me at your convenience to discuss.

Regards,  
Steve

**Steven T. Holmes**

Shareholder  
CAVAZOS HENDRICKS POIROT, P.C.  
900 Jackson St., Suite 570, Founders Square  
Dallas, TX 75202  
Phone: 214-573-7305  
Fax: 214-573-7399  
[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

## Kelly Kleist

---

**From:** Kelly Kleist  
**Sent:** Thursday, July 23, 2020 5:58 PM  
**To:** Nathan Depetris  
**Subject:** RE: bcbs

I am uploading 26 plans. If they don't come through, please let me know. This should be the remainder of the plans.

Thanks,

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



**SCHEEF & STONE**  
SOLID COUNSEL

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---

**From:** Nathan Depetris <[ndepetris@chfirm.com](mailto:ndepetris@chfirm.com)>  
**Sent:** Thursday, July 23, 2020 5:55 PM  
**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Subject:** RE: bcbs

Yes the link should still be active. Please let me know if you have any issues. Thanks!

**Nathan Depetris**

Legal Assistant

CAVAZOS HENDRICKS POIROT, P.C.

900 Jackson St., Suite 570, Founders Square

Dallas, TX 75202

Phone: 214-573-7318

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**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Sent:** Thursday, July 23, 2020 5:49 PM  
**To:** Nathan Depetris <[ndepetris@chfirm.com](mailto:ndepetris@chfirm.com)>  
**Subject:** RE: bcbs

Hi Nathan,

Is it ok to upload additional documents to this same link?

Thanks,

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

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---

**From:** Nathan Depetris <[ndepetris@chfirm.com](mailto:ndepetris@chfirm.com)>

**Sent:** Monday, July 20, 2020 11:48 AM

**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>

**Cc:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>

**Subject:** RE: bcbs

Hello Ms. Kleist,

Here is the link to my onedrive share portal where you can upload the plans. Please let me know if you have any questions or issues.

<https://chfirm-my.sharepoint.com/:f/p/ndepetris/EggCfTFMbZtPu-7VhSIKh0BfLn-X4wNTNh1NaZqIBev8A?e=oG4fDv>

Thank you,

**Nathan Depetris**

Legal Assistant

CAVAZOS HENDRICKS POIROT, P.C.

900 Jackson St., Suite 570, Founders Square

Dallas, TX 75202

Phone: 214-573-7318

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**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>

**Sent:** Monday, July 20, 2020 11:40 AM

**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>

**Subject:** RE: bcbs

Good afternoon,

Do you have a portal where you would like the plans uploaded? This is a partial production (24 plans). I have the remaining plans, but not the passwords to open them. Without the passwords, I can't open the documents. We are working on that issue.

Thanks,

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



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---

**From:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>

**Sent:** Thursday, July 16, 2020 2:46 PM

**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>

**Subject:** RE: bcbs

Thanks, Kelly –

Any idea how many plans? I don't want to presume anything either way.

Steve

**Steven T. Holmes**

Shareholder

CAVAZOS HENDRICKS POIROT, P.C.

900 Jackson St., Suite 570, Founders Square

Dallas, TX 75202

Phone: 214-573-7305

Fax: 214-573-7399

[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

---

**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>

**Sent:** Thursday, July 16, 2020 2:44 PM

**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>

**Subject:** RE: bcbs

Update:

I will have plans for production by next week.

Thanks,

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



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---

**From:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>

**Sent:** Wednesday, July 15, 2020 2:42 PM

**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>

**Subject:** RE: bcbs

Kelly –

Could BCBS-TX commit to production of some of the plan documents sooner, producing the remainder on a rolling basis? Perhaps ½ within 30 days?

Steve

**Steven T. Holmes**

Shareholder

CAVAZOS HENDRICKS POIROT, P.C.

900 Jackson St., Suite 570, Founders Square

Dallas, TX 75202

Phone: 214-573-7305

Fax: 214-573-7399

[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

---

**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>

**Sent:** Monday, July 13, 2020 4:20 PM

**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>

**Subject:** RE: bcbs

Please send over a draft of the stipulation and we can go from there. I believe 60 days would put us into September.

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



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---

**From:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>

**Sent:** Monday, July 13, 2020 3:15 PM

**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>

**Subject:** RE: bcbs

Thank you, Kelly. We will need to pin down a specific date to include in a Stipulation.

**Steven T. Holmes**

Shareholder

CAVAZOS HENDRICKS POIROT, P.C.

900 Jackson St., Suite 570, Founders Square

Dallas, TX 75202

Phone: 214-573-7305

Fax: 214-573-7399

[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

---

**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>

**Sent:** Monday, July 13, 2020 9:06 AM

**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>

**Subject:** RE: bcbs

Hi Steve,

BCBS will produce the remaining plans. They are forecasting 60 days, but hope to have the plans sooner. I will forward the remaining plans, as I receive them.

Thanks,  
Kelly

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

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**From:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Sent:** Friday, July 10, 2020 12:15 PM  
**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Subject:** RE: bcbs

Hi, Kelly –

Do you have any update from BCBS-Tx on those remaining plans?

Thanks,  
Steve

**Steven T. Holmes**  
Shareholder  
CAVAZOS HENDRICKS POIROT, P.C.  
900 Jackson St., Suite 570, Founders Square  
Dallas, TX 75202  
Phone: 214-573-7305  
Fax: 214-573-7399  
[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

---

**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Sent:** Wednesday, July 8, 2020 1:33 PM  
**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Subject:** RE: bcbs

We will look for the self-funded plans that have not been provided.

**Kelly Kleist** PARTNER  
**Scheef & Stone, LLP**  
[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146  
Office: 214.472.2100 | Fax: 214.472.2150  
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**From:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Sent:** Wednesday, July 08, 2020 11:34 AM  
**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Subject:** RE: bcbs

Kelly –

As we discussed this morning, the attached spreadsheet lists the BCBS-Tx patient claims for which the Trustee does not have an associated policy document.

Thank you,  
Steve

**Steven T. Holmes**  
Shareholder  
CAVAZOS HENDRICKS POIROT, P.C.  
900 Jackson St., Suite 570, Founders Square  
Dallas, TX 75202  
Phone: 214-573-7305  
Fax: 214-573-7399  
[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

---

**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Sent:** Wednesday, July 8, 2020 11:02 AM  
**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Subject:** bcbs

**Kelly Kleist** PARTNER  
**Scheef & Stone, LLP**  
[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146  
Office: 214.472.2100 | Fax: 214.472.2150  
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## Kelly Kleist

---

**From:** Nathan Depetris <ndepetris@chfirm.com>  
**Sent:** Thursday, July 30, 2020 1:58 PM  
**To:** Kelly Kleist  
**Cc:** Steve T. Holmes  
**Subject:** RE: Revolution Monitoring/BCBSTX  
**Attachments:** 2020 0724 List of Remaining Missing Plans and Unable to Match Plans.xlsx

Thank you for your most recent spread sheet. However, the spread sheet I provided is the remaining list of patient claims that are still missing plans.

These remaining patients are not listed on your prior spreadsheet. The plans provided for some of the patient claims were for the incorrect claim service year.

Thanks,

Nathan Depetris

Legal Assistant

CAVAZOS HENDRICKS POIROT, P.C.

900 Jackson St., Suite 570, Founders Square

Dallas, TX 75202

Phone: 214-573-7318

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**From:** Kelly Kleist <Kelly.Kleist@solidcounsel.com>  
**Sent:** Thursday, July 30, 2020 1:37 PM  
**To:** Nathan Depetris <ndepetris@chfirm.com>  
**Cc:** Steve T. Holmes <sholmes@chfirm.com>  
**Subject:** RE: Revolution Monitoring/BCBSTX

On the original spreadsheet we produced, the plan name and patient names were matched. Is the spreadsheet you provided patients that are not on that spreadsheet?

Thanks,

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

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---

**From:** Nathan Depetris <[ndepetris@chfirm.com](mailto:ndepetris@chfirm.com)>  
**Sent:** Wednesday, July 29, 2020 10:38 AM  
**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Cc:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Subject:** RE: Revolution Monitoring/BCBSTX

Hello Ms. Kleist,

Please find the attached spread sheet containing the patient claims where we are still missing plans and unable to match plans. On Tab 2, I included the file names (and bate stamped names) of the plans you sent me. In example, I could not locate where the patient group number is listed within the plan and/or from the provided plans, I could not match the plan group number to a patient claim.

Please let me know if you have any questions and let me know when would work best for you so I can help in matching up patient claims to plans.

Thank you very much,  
**Nathan Depetris**  
Legal Assistant  
CAVAZOS HENDRICKS POIROT, P.C.  
900 Jackson St., Suite 570, Founders Square  
Dallas, TX 75202  
Phone: 214-573-7318  
Cell: 469-338-2780

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**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Date:** July 29, 2020 at 9:35:24 AM CDT  
**To:** "Steve T. Holmes" <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Subject:** RE: Revolution Monitoring/BCBSTX

I am out of the office this week, so email is better. If you can send me the names, I can look into it.

Thanks,

**Kelly Kleist** PARTNER  
**Scheef & Stone, LLP**  
[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146  
Office: 214.472.2100 | Fax: 214.472.2150  
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**From:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Sent:** Wednesday, July 29, 2020 9:34 AM  
**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Subject:** Re: Revolution Monitoring/BCBSTX

Hi Kelly. We do show some plans missing. I am in a hearing - likely all morning - but will reach out to you this afternoon. Thanks.

Sent from my iPhone

On Jul 29, 2020, at 9:32 AM, Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)> wrote:

Good morning,

Following up regarding the plans and removal from the motion. If there are plans missing, please let me know.

Thanks,

**Kelly Kleist** PARTNER  
**Scheef & Stone, LLP**  
[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146  
Office: 214.472.2100 | Fax: 214.472.2150  
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<image002.png>

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**From:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Sent:** Friday, July 24, 2020 3:21 PM  
**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Subject:** RE: Revolution Monitoring/BCBSTX

Kelly –

We are reviewing the plans that you've most recently provided and attempting to match them up with individual patients. If we can match up all patients identified with BCBS-Tx with plans that you have produced, we will so stipulate and remove BCBS-Tx from the 2004 Motion. If not, we can still remove BCBS-Tx from the motion if we have a filed Stipulation that BCBS-Tx will produce any remaining plans, together with information sufficient to match those plans to specific patients – on or before the date requested in the motion.

Thanks,  
Steve

**Steven T. Holmes**  
Shareholder  
CAVAZOS HENDRICKS POIROT, P.C.  
900 Jackson St., Suite 570, Founders Square  
Dallas, TX 75202  
Phone: 214-573-7305  
Fax: 214-573-7399  
[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

---

**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Sent:** Friday, July 24, 2020 2:52 PM  
**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Subject:** Revolution Monitoring/BCBSTX  
**Importance:** High

Good afternoon,

I received the Amended Motion filed this afternoon. All plans have been submitted, as has the spreadsheet that has a substantial amount of information. It is my understanding that BCBSTX has produced the documents agreed to and requested by the Trustee. What additional information are you seeking by the Motion? It isn't clear as it relates to my client.

Sincerely,

**Kelly Kleist** PARTNER  
**Scheef & Stone, LLP**  
[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146  
Office: 214.472.2100 | Fax: 214.472.2150  
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<image004.png>

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## Kelly Kleist

---

**From:** Kelly Kleist  
**Sent:** Wednesday, August 05, 2020 11:23 AM  
**To:** Steve T. Holmes  
**Subject:** RE: Revolution Monitoring/BCBSTX

Hi Steve-

I received an update regarding the production. Within 30-45 days, the information regarding the most recent patient list provided by your office will be processed and any additional plan books will be produced. If the patients are BlueCard, you will have to get the documents from the home plan. BCBSTX does not maintain those booklets. After the information is processed, we will be able to identify which patients, if any, are BlueCard.

Do you want to enter into a stipulation?

Thanks,

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



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---

**From:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Sent:** Monday, August 03, 2020 11:38 AM  
**To:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Subject:** RE: Revolution Monitoring/BCBSTX

Yes – I'm generally available between 2 and 5 this afternoon.

**Steven T. Holmes**

Shareholder

CAVAZOS HENDRICKS POIROT, P.C.

900 Jackson St., Suite 570, Founders Square

Dallas, TX 75202

Phone: 214-573-7305

Fax: 214-573-7399

[sholmes@chfirm.com](mailto:sholmes@chfirm.com)

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**From:** Kelly Kleist <[Kelly.Kleist@solidcounsel.com](mailto:Kelly.Kleist@solidcounsel.com)>  
**Sent:** Monday, August 3, 2020 11:37 AM  
**To:** Steve T. Holmes <[sholmes@chfirm.com](mailto:sholmes@chfirm.com)>  
**Subject:** Revolution Monitoring/BCBSTX

Steve,

Do you have time for a call today?

Thanks,

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

[www.solidcounsel.com](http://www.solidcounsel.com) | 214.472.2146

Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



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SOLID COUNSEL

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## Kelly Kleist

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**From:** Kelly Kleist  
**Sent:** Tuesday, August 11, 2020 12:30 PM  
**To:** Steve T. Holmes  
**Subject:** Revolution Monitoring  
**Attachments:** Master.xlsx

Steve,

Try this spreadsheet- I believe it provides the name of the home plan for the patients. Please let me know when I can expect the stipulation.

Thanks,  
Kelly

**Kelly Kleist** PARTNER

**Scheef & Stone, LLP**

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Office: 214.472.2100 | Fax: 214.472.2150

2600 Network Boulevard, Suite 400, Frisco, TX 75034



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